



STATE MINING & GEOLOGY BOARD
DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA



GRAY DAVIS
GOVERNOR

RESULTS

THE STATE MINING AND GEOLOGY BOARD

Held a Regular Business Meeting on:

July 10, 2003

**Department of Consumer Affairs
400 R Street, First Floor Hearing Room
Sacramento, CA 95814**

AGENDA

(NOTE: The Chairman may alter the agenda item order or start time during the meeting)

- I Call to Order (Jones)**
- II Roll Call and Declaration of a Quorum**
- III Department of Conservation Director's Report (Young)** (Information)
- IV Chairman's Report (Jones)** (Information and Action)
Special Presentation to James F. Davis, Ph.D., State Geologist, on
His Retirement from State Service
- V Executive Officer's Report (Parrish)** (Information)
- VI Good of the Meeting** (Information)
(This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. Speakers are limited to three minutes except by special consent of the Chairman)
- VII Consent Items** (Action)
 - 1. Approval of Minutes, June 19, 2003 Regular Business Meeting.
Staff Report
APPROVED AS SUBMITTED

Mission of the State Mining and Geology Board is to Represent the State's Interest in the Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands; Development of Geologic and Seismic Hazard Information; and to Provide a Forum for Public Redress

VIII Continued Business Items (These business items have been continued from a previous meeting) **(Action)**

SMGB Action on Items 2, 3, and 4 May be Subject to the Findings and Conclusions of a Special Site Inspection to be Conducted Prior to this Meeting.

2. Issuance of an Order to Comply to Joseph and Yvette Hardesty and Rick and Deanna Churches, to Provide a Draft Reclamation Plan for Surface Mining Activities on the Donovan Ranch Property, Donovan Ranch Road, El Dorado County

SPECIAL REPORT Staff Report

ORDER TO COMPLY ISSUED

3. Public Hearing of the Order to Comply Issued May 23, 2003, to Joseph and Yvette Hardesty and Rick and Deanna Churches to Provide a Financial Assurance Instrument in the Amount of \$540,965 in Accordance with § 2770 and § 2773.1 of the Surface Mining and Reclamation Act, for Surface Mining Activities that Occurred on the Donovan Ranch Property, Donovan Ranch Road, El Dorado County. The Mine Operator, the County of El Dorado, and the Public are Invited to Comment.

Staff Report

ORDER TO COMPLY UPHELD

4. Issuance of an Administrative Penalty to Joseph and Yvette Hardesty and Rick and Deanna Churches for Failure to Provide a Financial Assurance Instrument in the Amount of \$540,965 as Required by the State Mining and Geology Board's Order to Comply Issued May 23, 2003 and as Upheld at a Public Hearing on July 10, 2003. The Administrative Penalty Becomes Effective Upon Issuance if the Financial Assurance Instrument is Not Received at the Board's Office by 5:00 P.M. July 11, 2003. [This Action will be Considered by the SMGB Only if the SMGB Upholds its Order to Comply Under Item #3 of this Agenda.]

Staff Report

PENALTY ISSUED

5. Issuance of an Order to Comply to Snows Road Quarry, California Mine ID # 91-09-0012, Snows Quarry Products, Operators; El Dorado County; for Failure to Obtain Documentation from the California Department of Fish and Game Regarding Special Animal Species, as Required by the Approved Reclamation Plan. If the Operator Submits the Required Survey Documents Pursuant to the SMGB's Instructions Dated March 10, 2003, the SMGB May Not Issue the Order.

Staff Report

SURVEY SUBMITTED, ORDER NOT ISSUED

IX New Business

(Action)

6. Adoption of Resolution Number 2003-03 Certifying the City of Chula Vista's Surface Mining and Reclamation Ordinance Number 2921 as Recommended by the Policy and Legislation Committee. {This Ordinance will be Considered at the Policy and Legislation Committee Meeting which Commences at 9:00 A.M.}

Staff Report

RESOLUTION ADOPTED

7. Consideration to Re-Commence Approval Process for a Revised Reclamation Plan for Otay Ranch Pit, California Mine ID # 91-37-0035. [No Action Will Be Taken on this Item if the City of Chula Vista's Surface Mining Ordinance is Certified – Agenda Item #6]

Staff Report

ITEM REMOVED FROM CONSIDERATION

8. Approval of Financial Assurance Amount for Cal Sierra Development, Inc.'s Mine, California Mine ID # 91-58-0003, Yuba County

Staff Report

FINANCIAL ASSURANCE AMOUNT APPROVED

9. Approval of Financial Assurance Amount for Teichert Aggregate's Yuba Hoffman (Marysville) Mine, California Mine ID # 91-58-0019, Yuba County.

Staff Report

FINANCIAL ASSURANCE AMOUNT APPROVED

10. Approval of Financial Assurance Amount for Teichert Aggregate's Hallwood Plant, California Mine ID # 91-58-0006, Yuba County.

Staff Report

FINANCIAL ASSURANCE AMOUNT APPROVED

11. Approval of Financial Assurance Amount for Baldwin Contracting Company's Hallwood Mine, California Mine ID # 91-58-0002, Yuba County.

Staff Report

ITEM CONTINUED TO SEPTEMBER

12. Approval of Financial Assurance Amount for Sierra Rock's Diamond Quarry, California Mine ID # 91-09-0003, El Dorado County.

Staff Report

FINANCIAL ASSURANCE AMOUNT APPROVED

13. Approval to Send Notices of Loss of SMARA Authority to the Following Lead Agencies for Ordinances Not in Accordance with State Policy Pursuant to PRC § 2774.5 as Recommended by the Policy and Legislation Committee:

Cities: Auburn, Compton, Jackson, Pacifica, Richmond, Rocklin, Rolling Hills, San Jacinto, Sutter Creek

Staff Report

APPROVAL GRANTED WITH REVISIONS

14. PUBLIC HEARING: Pursuant to PRC § 2696(b) and 14CCR § 3723(a), a Hearing will be Conducted to Receive Comments and Recommendations for the Preliminary Seismic Hazard Maps Specific to the Areas Encompassed in the Lake Hughes, Little Buttes, Del Sur, Rosamond, Sleepy Valley, Palmdale, Juniper Hills, and Valyermo Quadrangles in Los Angeles County, and the Santa Paula Peak Quadrangle in Ventura County.

HEARING CONDUCTED

X Special Reports and Departmental Presentations

(Information)

(Based on these Reports, the Chairman may instruct the Board staff to initiate administrative actions)

XI SMGB Committee Reports

XII Executive Session (Closed to the Public)

[The Board will discuss information from its legal counsel on current and pending litigation and may take appropriate actions based on this information. This session is being held under Government Code § 11126.] Items to be discussed:

- a) Calvert, et al vs. SMGB et al, Case # OOCs01434, Sacramento Superior Court
- b) Loring Brunius vs. SMGB, Case # PC 20010449, El Dorado County
- c) An un-named case where there is potentially significant exposure to litigation against the Board.

(Information)

XIII Reopen Regular Business Session, Announce Results of Executive Session

NO ACTIONS TAKEN

XIV Announcements of Future Meetings

No Meetings are scheduled for August 2003.

NEXT MEETING IS SEPTEMBER 11, 2003

XV Adjournment

NOTE: ITEMS TO BE CONSIDERED FOR PLACEMENT ON A BOARD MEETING AGENDA MUST BE SUBMITTED NOT LATER THAN THIRTY (30) DAYS PRIOR TO THE SCHEDULED MEETING.

NOTE: BOARD MEETINGS ARE OPEN TO THE PUBLIC AND ARE HELD IN BARRIER FREE FACILITIES IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. FOR ADDITIONAL INFORMATION OR ASSISTANCE, CONTACT THE BOARD OFFICE.

NOTE: INFORMATION REGARDING STATE MINING AND GEOLOGY BOARD MEETINGS MAY BE OBTAINED BY CALLING THE BOARD OFFICE AT (916) 322-1082. COPIES OF STAFF REPORTS AND APPROVED MINUTES MAY BE OBTAINED BY WRITING THE BOARD OFFICE AT 801 'K' STREET, MS 24-05, SACRAMENTO, CALIFORNIA 95814 OR BY ACCESSING THE BOARD'S WEB SITE: <http://www.consrv.ca.gov/smgb/>

NOTE: IF YOU WISH TO COMMENT ON AN AGENDA ITEM OR SPEAK DURING THE PUBLIC COMMENTS PERIOD, PLEASE FILL OUT A "REQUEST TO SPEAK" FORM, AVAILABLE AT THE MEETING ROOM ENTRANCE, AND GIVE IT TO THE BOARD SECRETARY. PLEASE DELIVER THE FORM PRIOR TO THE ITEM BEING HEARD BY THE BOARD. DURING THE PUBLIC COMMENT PERIOD, EACH SPEAKER IS LIMITED TO A MAXIMUM OF THREE MINUTES. AT THE DISCRETION OF THE CHAIRMAN, MORE TIME MAY BE GRANTED.

SMGB Meeting Agenda

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NOTE: INDIVIDUALS ARE ENCOURAGED TO SUBMIT WRITTEN STATEMENTS OF ANY LENGTH AND DETAIL TO THE BOARD. IT IS PREFERABLE THAT THESE STATEMENTS BE SUBMITTED **AT LEAST FIFTEEN DAYS PRIOR TO THE MEETING** SO THAT THE BOARD MEMBERS CAN PREVIEW THE INFORMATION BEFORE THE MEETING. PLEASE SUBMIT 12 COPIES OF ALL WRITTEN MATERIALS IN EXCESS OF TWO PAGES. THE BOARD WILL NOT REPRODUCE REPORTS IN EXCESS OF TWO PAGES OR LARGE MAPS, PHOTOS, OR OTHER DOCUMENTS REQUIRING SPECIAL HANDLING.

INDIVIDUALS ARE RESPONSIBLE FOR PRESENTING THEIR PROJECTS AT THE PUBLIC HEARING.

NOTE: A CLOSED SESSION MAY BE CALLED BY THE CHAIRMAN TO DISCUSS LITIGATION AND OTHER PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS BY AUTHORITY OF GOVERNMENT CODE §11126(q) AND SACRAMENTO NEWSPAPER GUILD vs. SACRAMENTO COUNTY BOARD OF SUPERVISORS [1968] 266(b) CAL. APP. 2nd, 41; BASIS OF "LITIGATION" EXCEPTION IS THE ATTORNEY/CLIENT PRIVILEGE.

NOTE: AS A STATE AGENCY, THE BOARD IS GOVERNED BY THE BAGLEY-KEENE OPEN MEETING ACT THAT REQUIRES THE BOARD TO (1) PUBLISH AN AGENDA AT LEAST TEN DAYS IN ADVANCE OF ANY MEETING; (2) DESCRIBE IN THE AGENDA SPECIFIC ITEMS TO BE TRANSACTED OR DISCUSSED; AND, (3) REFUSE TO ADD AN ITEM AFTER THE AGENDA IS PUBLISHED.